

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 6, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants/Third Party Defendants FEMCO Steel Co. and Far East Machinery Co.'s Motion for Summary Judgment Against Plaintiffs (Dkt. 154), Defendant/Third Party Plaintiff U.S. Kids Golf, LLC's Motion for Summary Judgment Against Plaintiffs (Dkt. 156), and Defendant/Third Party Plaintiff U.S. Kids Golf, L.L.C.'s Supplemental Motion for Summary Judgment Against Plaintiffs (Dkt 198) should be GRANTED as to Plaintiffs' claims of breach of express warranties, misrepresentation, and statutory violations and should be DENIED as to all other claims.

Having received the report of the United States Magistrate Judge, and no objections thereto

having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendants/Third Party Defendants FEMCO Steel Co. and Far East Machinery Co.'s Motion for Summary Judgment Against Plaintiffs (Dkt. 154), Defendant/Third Party Plaintiff U.S. Kids Golf, LLC's Motion for Summary Judgment Against Plaintiffs (Dkt. 156), and Defendant/Third Party Plaintiff U.S. Kids Golf, L.L.C.'s Supplemental Motion for Summary Judgment Against Plaintiffs (Dkt 198) are GRANTED as to Plaintiffs' claims of breach of express warranties, misrepresentation, and statutory violations and are DENIED as to all other claims.

IT IS SO ORDERED.

SIGNED this 24th day of March, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE